

Second Regular Session of the 121st General Assembly (2020)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2019 Regular Session of the General Assembly.

HOUSE ENROLLED ACT No. 1189

AN ACT to amend the Indiana Code concerning local government.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 36-8-10.7 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]:

Chapter 10.7. Use of Firefighting Foam Containing PFAS Chemicals

Sec. 1. As used in this chapter, "Class B firefighting foam" means a foam intended for use in extinguishing flammable liquid fires.

Sec. 2. As used in this chapter, "person" means an individual, a corporation, a limited liability company, a partnership, or another legal entity.

Sec. 3. As used in this chapter, "PFAS chemical" means any chemical of a class of fluorinated organic chemicals, including:

- (1) perfluoroalkyl substances; and
- (2) polyfluoroalkyl substances;

that contains at least one (1) fully fluorinated carbon atom and is used in firefighting agents.

Sec. 4. As used in this chapter, "state agency" means any agency, board, commission, department, bureau, or other entity of the administrative branch of Indiana state government.

Sec. 5. As used in this chapter, "testing" includes:

- (1) calibration testing;

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- (2) conformance testing; and
- (3) fixed and mobile system testing.

Sec. 6. After June 30, 2020, a person, unit, or state agency:

- (1) shall not use for training purposes a Class B firefighting foam that contains an intentionally added PFAS chemical; and
- (2) for the purposes of training firefighters in the use of firefighting foam, may use only training foam that does not contain intentionally added PFAS chemicals.

Sec. 7. (a) After June 30, 2020, a person, unit, or state agency shall not use for testing purposes a Class B firefighting foam that contains intentionally added PFAS chemicals unless the testing facility has implemented appropriate containment, treatment, and disposal measures to prevent releases of the Class B firefighting foam to the environment.

(b) Subsection (a) applies regardless of whether the testing is required by law or by a unit or state agency having authority concerning testing by firefighters.

Sec. 8. This chapter does not prohibit or restrict:

- (1) the manufacture, sale, or distribution of Class B firefighting foam that contains intentionally added PFAS chemicals; or
- (2) the use of Class B firefighting foam that contains intentionally added PFAS chemicals in:
 - (A) an emergency firefighting operation; or
 - (B) an emergency fire prevention operation.



Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Governor of the State of Indiana

Date: _____ Time: _____

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